REMARKS/ARGUMENTS

Claims 1-33 and new claim 34 are pending in the application.

Reconsideration and a withdrawal of the rejections are hereby respectfully

requested in view of the above amendments and the following remarks.

Applicant is pleased that the amendments have overcome the section 101

rejection.

Applicant has reviewed the Office Action and the comments of the

Examining Attorney. Applicant has evaluated the specification and has presented

new claim 34 which further articulates an embodiment of Applicant's invention

wherein a retailer provides demonstrations of a plurality of demonstration products.

New claim 34 recites features which the cited references fails to disclose or suggest.

Claim 34 is directed to a method of performing software demonstration for

demonstration of a program on user supplied email where a plurality of

demonstration programs are provided, and where a retailer of one or more of the

plurality of demonstration programs provides comparative testing of a user's email

for said plurality of demonstration programs.

Applicant respectfully requests reconsideration and allowance of new claim

34.

Applicant addresses the rejections based on art below.

1.   **Applicant's Invention Is Not Obvious Over Suzuki and Tobler, and the
      103(a) Rejection With Respect to Claims 1-4, 6, 13, 14, 21-23 and 25-28
      Must Be Withdrawn.**

Claims 1-4, 6, 13, 14, 21-23 and 25-28 stand rejected under 35 U.S.C.

103(a) as being unpatentable over Suzuki (JP02002342084A), in view of US

6,978,232 (Tobler). This rejection is respectfully but strenuously traversed and

reconsideration and a withdrawal of the rejection are hereby respectfully requested.

The Examiner in the Office Action acknowledges that Suzuki does not state

the use of data of the user terminal from the user for demonstration. The Office

Action rejection is based on the position that Suzuki is deemed to disclose the

Applicant's invention because Suzuki is deemed to disclose the features claimed by

Applicant, and further, that Tobler is considered in the Office Action to teach

inputting hypothetical data.

Applicant respectfully traverses the rejection. It would not have been

obvious to combine the teachings of Suzuki and Tobler.

A distinction may be appreciated in considering the Applicant's

specification which provides for demonstration of a program, such as an antivirus

scanning program on user email. The Tobler reference, at best, would refer to user

inputs and that a user may navigate through an actual control window, and an input

field. However, the Applicant's invention provides for demonstration of the data in

the form that the Applicant's data currently resides in the Applicant's environment

where the date is. For example, if it is Applicant's email, that email is sent,

forwarded or transmitted to the demonstration program using an email address. The

Tobler reference mentions only providing inputs while navigating through a screen. Applicant's invention provides for the demonstration target subject, which may be user email, to be subjected to the demonstration target. It can hardly be considered by one of ordinary skill in the art that Suzuki would desire to actively receive user inputs in the first place, let alone virus containing emails that may be input on its server.

Considering the combination of references further, Tobler is cited to refer to inputs that a user may provide while navigating through screens. It does not indicate that the user provided inputs are supplied through a user email address, or that emails may be forwarded in the user input field.

Suzuki further provides the opposite of what is being suggested in the proposed combination in that Suzuki desires to prevent incorrect usage so that at the software manufacturer end, the incorrect usage cannot arise. Suzuki desires to regulate input so it would be difficult for one of ordinary skill in the art to consider Suzuki to be suggesting or disclosing a virus scanning program and having users provide active programs, such as, for example, email that may contain viruses which would potentially promote incorrect usage of a system that Suzuki desires to avoid.

Nor does Suzuki provide a teaching or suggestion for email forwarding for demonstration by a program. In addition, it is not obvious for one of ordinary skill in the art to take Suzuki and then attempt to combine Tobler.

The Applicant's present invention is demonstration using the emails as the test data. This becomes more important where an actual email, for example, may be

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the subject, and that email may be demonstrated as a subject for multiple programs that are desired to be demonstrated.

Applicant disagrees that hypothetical data referred to in Tobler would be a disclosure of actual emails of the user that may be submitted for analysis using the demonstration program. If one followed Tobler and Suzuki, it would appear that the user would input headers and content and would need to supply the email attachment as well. The references do not suggest or disclose forwarding data, but rather inputting the data.

Even if a user were to provides an email as an input in Tobler or Suzuki, assuming that could even be done, as it is not suggested, there is no disclosure in either reference of how that would be handled. Would the program within the email execute? This is another reason why one of ordinary skill in the art would not consider Suzuki and Tobler to disclose or suggest what the Applicant's invention is directed to address and handle.

Applicant further particularizes the email demonstration target in dependent claims.

In addition, claim 1 has been amended to refer to more particularly articulate the invention by reciting wherein said code received from said user comprises code in a form that the code is present on the user's computer, and wherein said demonstration program is configured to demonstrate on said code said demonstration program function.

Again, the present invention is not taught, suggested or disclosed by the cited references, and one of ordinary skill in the art would not find teaching in the

references to combine or the motivation to do what the Office Action credits the

references with disclosing and suggesting.

Reconsideration and a withdrawal of the rejection is respectfully requested.

**2.   Applicant's Invention Is Not Obvious Over Suzuki and Tobler, and the
         103(a) Rejection With Respect to Claims 5, 7-12, 15, 19 and 20
         Must Be Withdrawn.**

Claims 5, 7-12, 15, 19 and 20 stand rejected under 35 U.S.C. 103(a) as

being unpatentable over Suzuki (JP02002342084A), in view of US 6,978,232

(Tobler). This rejection is respectfully but strenuously traversed and

reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Applicant's present invention is not obvious over Suzuki even when

combined with Tobler.

The rejection of claims 5, 7-12, 15, 19 and 20 is based on a proposed

modification of the Suzuki reference. The Office Action rejection acknowledges

that Suzuki does not explicitly teach the claimed step wherein identifying a user

further comprises identifying a user through supplying a user with a unique,

operational email address.

Applicant's invention not only provides a unique email address, but may

operate on the email of the user so that a demonstration may be performed on that

email. The cited references fail to disclose this.

First, for the reasons set forth above, Applicant's invention is not taught,

suggested or disclosed by Suzuki alone or in combination with Tobler.

As to claims 5, 7-12, 15 and 19, Suzuki's failure to disclose the use of a

unique assigned email address for a user would not suggest to one of ordinary skill

in the art the use of forwarding email from a unique email address so an email

antivirus scanning program may be implicated as a demonstration program.

Furthermore, even Tobler, for the reasons set forth above, does not provide

this teaching.

For the above reasons, and for these additional reasons, reconsideration and

a withdrawal of the rejection with respect to claims 5, 7-12, 15 19 and 20 is

respectfully requested.

3.   **Applicant's Invention Is Not Obvious Over Suzuki, Tobler and Smith,
        and the 103(a) Rejection With Respect to Claim 15 Must Be
        Withdrawn.**

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over

Suzuki (JP02002342084A), in view of US 6,978,232 (Tobler) and further in view of

US 6,918,038 ("Smith"). This rejection is respectfully but strenuously traversed

and reconsideration and a withdrawal of the rejection are hereby respectfully

requested.

First, for the reasons set forth above, claim 15, which depends from claim 1,

should be patentable over the cited references.

Second, claim 15 has been amended to include the feature that the server

shutdown mechanism is configured with an instruction to temporarily refuse

acceptance of connections from a node, system or systems that are doing the attack.

The amendment is fully supported by the specification and no new matter has been

introduced. (See specification par. [0023])

In view of the above reasons, reconsideration and a withdrawal of the 103(a)

rejection is respectfully requested.

4.   Applicant's Invention Is Not Obvious Over Chen, Suzuki, and Jhingan, and the 103(a) Rejection With Respect to Claim 29 Must Be Withdrawn.

Claim 29 stands rejected under 35 U.S.C. 103(a) as being unpatentable over

Chen in view of Suzuki (JP02002342084A) and further in view of Jhingan. This

rejection is respectfully but strenuously traversed and reconsideration and a

withdrawal of the rejection are requested.

The Office Action acknowledges that Suzuki is deficient of a number of

steps included in Applicant's claims 29 and 32 (see p. 14 of the Office Action).

The Office Action further attempts to fill the deficiencies by relying on Chen.

Applicant has amended claim 29 to recite features of the present invention to more

particularly distinguish embodiments thereof. Claim 29 recites the feature where an

email address comprises a destination for <u>email received by the user at a different</u>

<u>address</u> to be tested for the demonstration. In other words, email may be forwarded

to the user email address associated with the demonstration (e.g., the demonstration

email address). This amendment is fully supported by the specification and no new

matter has been introduced. (See specification at par. [0016] and [0017], e.g.,
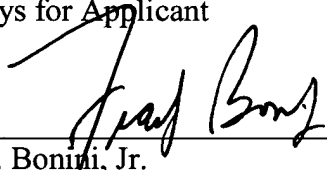
referring to forwarded email)

Applicant submits that the cited references fails to suggest or disclose the

Applicant's invention as recited in claim 29.

Accordingly, reconsideration and a withdrawal of the rejection is

respectfully requested.

If further matters remain in connection with any of the rejections addressed

herein, the Examiner is invited to telephone the Applicant's undersigned

representative to hold an interview to discuss them.

If an extension of time is required, the Commissioner is requested to

consider this a request for a petition for the appropriate extension of time.

Respectfully submitted,
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